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March 23, 2020

VIA ECF AND EMAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, NY 10004-1408

Re: Picard v. Michael Mann, Adv. Pro. No. 10-04390 (SMB)

Dear Judge Bernstein:

We are counsel to Irving H. Picard, Esq., the Trustee for the substantively consolidated liquidation proceedings of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the estate of Bernard L. Madoff under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.* The final pre-trial conference in the above-referenced adversary proceeding has been scheduled for March 25, 2020 (ECF No. 187) to address the sole remaining issue of disputed fact identified in this Court’s memorandum decision granting the Trustee relief under Rule 56(g): whether the Two-Year Transfers were transfers by BLMIS within the meaning of SIPA § 78fff-2(c)(3) and 11 U.S.C. § 548 (a)(1)(A). (ECF Nos. 174, 175).

Given the uncertainty created by COVID-19, the Trustee’s counsel has conferred with counsel for the Defendants, and the parties jointly respectfully request that the Court adjourn the pre-trial conference until May 27, 2020. The parties will use this time to complete all pre-trial matters. On May 27, the Court and the parties can evaluate the feasibility of a trial and/or arrangements necessary to conduct the trial via video, teleconferencing, or some other means approved by the Court.

On consent, the parties also jointly propose the following schedule for pre-trial matters:

Pretrial Activity	Deadline
Parties to Exchange Draft Joint Pre-Trial Order (45 Days Prior)	Monday, April 13, 2020

Atlanta Chicago Cincinnati Cleveland Columbus Costa Mesa Denver
Houston Los Angeles New York Orlando Philadelphia Seattle Washington, DC

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Parties to Exchange Exhibits and Deposition Designations (30 Days Prior)	Monday, April 27, 2020
Objections to Exhibits and Deposition Designations to be Exchanged (14 Days Prior)	Monday, May 11, 2020
Motions in <i>Limine</i> Filed (14 Days Prior)	Wednesday, May 13, 2020
Oppositions to Motions in <i>Limine</i> Filed (7 Days Prior)	Wednesday, May 20, 2020
Submit Final Joint Pre-Trial Order to Judge Bernstein's Chambers (7 Days Prior)	Wednesday, May 20, 2020
Proposed Pre-Trial Conference Date	Wednesday, May 27, 2020

Counsel for the Defendants, however, currently do not have access to their office files, and request the right to apply to the Court for changes to the proposed schedule in the event access to those files is not obtained in the near future.

Counsel for the Trustee is available should Your Honor have any questions in connection with the foregoing.

Respectfully submitted,

/s/ Nicholas J. Cremona

Nicholas J. Cremona
Partner

cc: Arthur H. Ruegger, Esq. (Email)
David J. Sheehan, Esq. (Email)
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